



CONSERVATION COMMISSION MEETING MINUTES – August 3, 2020

Present: Laurie Freeman-Chair, Crystal Kelly, Bob Hidell, John Mooney, and Bob Mosher- Commissioners, Loni Fournier-Conservation Officer and Heather Charles-Lis – Assistant Conservation Officer

Absent: Jacqueline Zane and Thomas Roby

The remote meeting was held via Zoom with Dial in #929-205-6099, Meeting ID # 821-7335-0802.

The meeting was called to order at 7:02 PM.

Chair Freeman began the meeting with a statement that the Conservation Commission meeting was being held remotely via the Zoom app in accordance with the Governor's order Suspending Certain Provisions of the Open Meeting Law for purposes of social distancing. The information for joining the meeting by audio/video was posted with the Commission's agenda on the website along with web links for accessing any plans or other materials relevant to the items scheduled on the agenda. She advised that, in accordance with the Open Meeting Law, the meeting was being recorded by the town and if any participant wished to record the meeting, to notify her so that she may inform all other participants. No participants expressed a wish to record the meeting.

Approval of Minutes

Motion: Chair Freeman moved to approve the draft minutes as amended from the July 13, 2020 meeting.

Second: Comm'r Hidell

Roll Call: Comm'r Kelly: aye, Comm'r Mooney: aye, and Comm'r Mosher: aye

Certificates of Compliance

42 Canterbury Street – DEP 034-1289

Applicant: Nathaniel Rand

Representative: Gregory Tansey, Ross Engineering Co., Inc.

Meeting Documents & Exhibits: Staff Memo and As-built Plan 7/20/20

Excerpts from the staff memo: An Order of Conditions was issued in May 2017 for the construction of a retaining wall and placement of fill in the 100ft Buffer Zone to a Bordering Vegetated Wetland. The as-built plan largely adheres to the final approved plan, with a few noteworthy deviations (see below). Staff visited the site on 7/23/20 and found it to be stable, however several issues were identified and forwarded to the representative.

Staff recommends continuing this discussion until 8/31/20 to give the applicant and representative more time to address the above comments.

Chair Freeman reviewed the staff memo. Applicant Nate Rand was present and addressed items 1-7 of the staff memo. The CO commented that the yard waste referenced in the staff memo was not only for downed trees, but for piles of grass clippings.

Motion: Chair Freeman moved to continue consideration of the Request for Certificate of Compliance for 42 Canterbury Street, DEP 034-1289 to August 31, 2020.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Kelly: aye, and Comm'r Mooney: aye

Request for Determination of Applicability

12 Evergreen Lane, continued from 7/13/20

Applicant: Jonathan Kirk

Representative: Colin McSweeney, McSweeney Associates, Inc.

Proposed: Reconfiguration of existing driveway

Meeting Documents & Exhibits: Staff Memo, Revised Narrative and Revised Landscape Plan 7/22/20

Excerpts from the staff memo: The existing paved driveway shows signs of wear including cracking. The driveway slopes gently upwards towards the house and runoff appears to either sheet off to the sides or flow back to the street. The naturally vegetated buffer is in close proximity to the end of the driveway and the remainder of the driveway is bordered by existing lawn. The area slopes down to the wooded wetland and upland where a portion of the utility line would be installed.

Chair Freeman reviewed the staff memo, noting that the utility work is a temporary disturbance and the septic work is outside of the Commission's jurisdiction. Representative Colin McSweeney was present on the call and described the plan for the location of the driveway, the electric line and the mitigation. Discussion followed with the Commission concluding that the driveway is not considered 'new' and the reconfiguration is a minimal increase in an area that is already disturbed.

Motion: Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 12 Evergreen Lane, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 9 of the staff report.

Findings:

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission makes no finding as to the exact boundaries of wetland resource areas.

Conditions:

1. Prior to the start of work, the southern edge of the proposed driveway shall be staked, and erosion and sediment controls shall be installed, as shown on the final approved plan, as well as around the utility trench to the south of the driveway, and both shall be inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion or sediment control.
2. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
3. Any debris, which falls into any resource area, shall be removed immediately by hand.
4. All excavated material shall be properly disposed of at an off-site location.
5. There shall be no stockpiling of soil or other materials within 50 feet any resource area.
6. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
7. Only hand tools shall be used to excavate the utility trench in the naturally vegetated area to the south of the driveway. No trees or shrubs shall be removed without prior approval by Conservation staff and mitigation plantings shall be required in accordance with the Commission's Tree Removal and Replacement Policy. The disturbed area shall be restored by seeding with a conservation wildlife seed mix approved in advance by Conservation staff and mitigation plantings if necessary.
8. Mitigation plantings for driveway work shall be installed in accordance with the final approved plan.
9. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Hidell

Roll Call: Comm'r Kelly: aye, Comm'r Mooney: aye and Comm'r Mosher: aye

121 High Street

Applicant: Chris Harrison

Representative: Nate Cosper and Kevin Kieler, Brady-Built Inc.

Proposed: Sunroom addition with deck and stairs

Meeting Documents & Exhibits: Staff Memo, Narrative, Original Plot Plan for Proposed Sunroom 7/13/16, Sunroom Specifications, Revised Plot Plan for Proposed Sunroom 7/28/20, and Revised Sunroom Specifications

Excerpts from the staff memo: The area between the proposed work and the wetlands is mostly a gradually sloping lawn area with a narrow naturally vegetated buffer between the lawn and the edge of the wetland. No trees or shrubs would be removed for the proposed work. The proposed construction should have minimal impact since there is very little disturbance associated with the installation of helical piers.

Staff relayed a number of comments to the representative, and revised plans and architectural drawings were subsequently submitted to address most of the comments.

- *Stormwater management. Staff has included a draft condition requiring stormwater management but allowing for several options (#8).*
- *During my site visit, I observed a large amount of branches piled at the edge of the woods at the rear of the lot. This pile is extending to the edge of the wetland and possibly into the wetland.*
- *The play structure/swing set and koi pond are in the 50ft buffer zone abutting the woods. The koi pond is very small and should have minimal impact.*

Chair Freeman reviewed the resource areas and the proposal. Kevin Keiler and Nate Cosper from Brady Built sunrooms and the applicant, Chris Harrison, were present on the call. They provided further details on the deck and sunroom and responded to the ACO's remaining comments. They will use a silt sock for erosion control, the excess debris was removed immediately, and the where the existing swing set is located was previously only lawn. They expressed their willingness to manage the roof runoff but noted that with 50 ft of lawn perhaps a stone trench was not needed. Brief discussion followed with the ACO suggesting that for the stormwater management, if they are putting crushed stone under the structure anyway, that could be extended a little further to capture some of the roof runoff.

Motion: Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 121 High Street, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 9 of the staff report.

Findings:

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission confirms the delineation of wetland flags 7 through 14, but makes no finding as to the exact boundaries of wetland resource areas located on adjacent properties.

Conditions:

1. Prior to the start of work, erosion and sediment controls shall be installed, as shown on the final approved plan, and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion or sediment control.
2. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
3. Any debris, which falls into any resource area, shall be removed immediately by hand.
4. All lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, particularly near the northern end of the wetland, shall be removed, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.
5. All excavated material shall be properly disposed of at an off-site location.
6. There shall be no stockpiling of soil or other materials within 30 feet any resource area.
7. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
8. Rooftop runoff from the sunroom addition shall be infiltrated on site, using drip edge stone trenches. Alternate methods of stormwater mitigation, such as drywells or infiltration chambers, are allowed but must be approved in advance by Conservation staff.
9. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Hidell

Roll Call: Comm'r Kelly: aye, Comm'r Mooney: aye and Comm'r Mosher; aye

12 Boulder Glen Road

Applicant: Tracy Shriver

Proposed: Paving of existing driveway and installation of stone swale

Meeting Documents & Exhibits: Staff Memo, Narrative, Existing Conditions Plan 4/16/18, and Original Driveway Plan 7/8/20

Excerpts from the staff memo: Staff visited the site on 7/22/20. Wetland resources areas, consisting of salt marsh and a small length of inland bank associated with an intermittent channel and an outfall, were flagged by a wetlands consultant in March 2018. The eastern side of the existing driveway is closest to the resource areas and is bordered by a thin strip of grass and then a wooded area for most of its length, except for a path to an existing shed and a gravel path that heads towards the water. The western side of the driveway also borders a strip of grass and a wooded area before opening into lawn and ending at the house. No trees or shrubs would be removed for the project. Although the project proposes to increase impervious surface, the footprint of the existing driveway would not be expanding and the stone infiltration swale is an appropriate stormwater mitigation for a paved driveway. The proposed native shrub plantings would enhance the buffer zone as they would be planted in areas that are currently either lawn or a sparse understory. Finally, the owner has been working to remove a gravel path that was installed by a previous owner from the driveway to the edge of the salt marsh, presumably without permission from the Commission, and they are willing to commit to fully removing this gravel.

Chair Freeman reviewed the wetland resources and the proposal. Tracy Shriver was present on the call and described the problem of the existing stone migrating with snow removal work, the swale that will be within the existing footprint and the planting areas. The Commission briefly discussed the project concluding that the applicant had positively addressed any concerns.

Motion: Chair Freeman moved to issue a Negative Determination of Applicability for the proposed work at 12 Boulder Glen Road, as shown on the submitted plans, and adopt the findings of fact a through c, and conditions 1 through 11 of the staff report.

- a. This project meets the requirements of Part 1, Section 7.1 of the Town of Hingham Wetland Regulations governing procedures for a Request for Determination of Applicability.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission makes no finding as to the exact boundaries of wetland resource areas.

Conditions:

1. Prior to the start of work, erosion and sediment controls shall be installed along the limit of work and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion or sediment control.
2. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
3. Any debris, which falls into any resource area, shall be removed immediately by hand.
4. All excavated material shall be properly disposed of at an off-site location.
5. There shall be no stockpiling of soil or other materials within 50 feet any resource area.
6. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 50 feet of any resource area.
7. Existing gravel that is outside the limits of paving and the infiltration swale shall be removed by hand and properly disposed of. The gravel path extending from the northeast corner of the driveway towards the water shall also be removed.
8. The crushed stone infiltration swale/trench shall be a minimum of 18 inches in depth, and 12 inches in width, and the driveway shall be pitched to the swale as shown on the approved plan.
9. The mitigation native shrub plantings shall be installed as shown on the approved plan.
10. All lawn waste, brush, leaves, or other materials dumped in any resource area, including the buffer zone, shall be removed, and the practice discontinued, in accordance with Section 23.6 of the Hingham Wetland Regulations.

11. The Conservation Department shall be notified to any changes in plans prior to proceeding with said changed plans.

Second: Comm'r Hidell

Roll Call: Comm'r Kelly: aye, Comm'r Mooney: aye, and Comm'r Mosher; aye

Abbreviated Notices of Resource Area Delineation

161 Nokomis Road – DEP 034-1376

Applicant: Leo Yazykov

Representative: Colin McSweeney, McSweeney Associates, Inc.

Meeting Documents & Exhibits: Wetland Delineation Report and ANRAD Plan

Excerpts from the staff memo: n/a

The CO explained some administrative aspects of the application, noting that MA DEP had issued a DEP # with no comments. She added that this Order of Resource Area Delineation would only confirm 4 flags, A1 through A4.

Motion: Chair Freeman moved to issue an Order of Resource Area Delineation for 161 Nokomis Road MA Dep 034-1376.

Second: Comm'r Hidell

Roll Call: Comm'r Kelly: aye, Comm'r Mooney: aye, and Comm'r Mosher; aye

Chair Freeman read the Public Hearing Notice of Intent statement and reminded the participants that under emergency orders entered by Governor Baker, statutory timelines for the permitting process have been suspended or tolled and are extended 45 days after the state of the emergency. Nonetheless the Commission is attempting to follow the normal statutory and regulatory deadlines to the extent possible under the current conditions. The appeal window for all applicants, abutters, and other qualified parties is still 10 days from issuance. Chair also noted DEP appeal period has been restored to 10 days following issuance of an NOI per Governor Baker's Order #42 entered on July 2.

Notices of Intent

100 Industrial Park Road – DEP 034-1361, continued from 7/13/20

Applicant: Timothy Casey, JEB Group, LLC

Representative: Kevin Hixson, BL Companies

Proposed: Warehouse renovation and demolition, and site improvements

Meeting Documents & Exhibits: Response to Comments 7/27/20 [dated 6/27/20] and Revised Plan Set 7/27/20

Excerpts from the staff memo: n/a

Kevin Hixson, representing JEB Group LLC, gave a summary of the site and a progress update on soil evaluations which yielded positive results enabling them to do a Title V replacement on the north side of the building away from the buffer area and wetlands. He described alternate plans for their storm water treatment in order to reach the required 1 inch of treatment for water quality. The original plan only manages to treat a ½ inch for water quality. They've proposed one alternate plan that treats the 1 inch however it pushes the treatment pond further south into the 50 ft buffer. As another alternate, they propose plantings of trees in the former leaching area. The ACO described the proposal and stated that she will continue her review of the project and alternates, adding that it may be that utilizing both alternates could be beneficial and outweigh the negative, and she would provide the Commission with more information at the next meeting. It was noted that peer reviewer, John Chessia, had not completed his review.

Chair Freeman invited any members of the public to speak. No members of the public commented.

Motion: Chair Freeman moved to continue consideration of 100 Industrial Park Road to August 31, 2020.

Second: Comm'r Hidell

Roll Call: Comm'r Kelly: aye, Comm'r Mooney: aye, and Comm'r Mosher; aye

19 & 27 Whiting Street, - DEP 034-1368, continued to 8/31/20

Applicant: Merhej and Sons Realty, LLC

Representative: Donald Rose, CHA Consulting, Inc.

Proposed: Demolition of a single family home and construction of retail building with site improvements

299 Rockland Street – DEP 034-1373

Applicant: Steve & Jessica Govoni

Representative: Brian Kates, Kates Construction Associates, LLC

Proposed: Reconstruction of garage and site improvements

Meeting Documents & Exhibits: *Staff memo and Impervious Area Calculations and Revised Existing and Proposed Conditions Plan 7/29/20*

Excerpts from the staff memo: *This hearing is continued from the 7/13/20 Commission meeting. Most of the discussion focused on the scope of the project and the submitted calculations for the impervious and flood storage areas on the lot. Since then, the representative has submitted revised calculations, which staff agrees with, and additional mitigation in the form of rain barrels and 70sqft of plantings (additional). Staff has no remaining concerns related to the resource areas, impervious area, or stormwater.*

Chair Freeman reviewed the resource areas and explained that at the last meeting, the Commission had asked for clarity regarding measurements. Brian Kates of Kates Construction was present on the call and reviewed the calculations and added further details regarding the rain barrels and planting areas.

Commissioner Freeman invited any comments from the public. With no comments from the public, Commissioner Freeman closed the hearing to public comment.

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 299 Rockland Street (DEP 034-1373), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 1 through 20 of the staff report.

Findings:

- a. The project meets the submittal requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission makes no finding as to the exact boundaries of wetland resource areas on site.

Conditions:

1. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
4. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
5. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion or sediment control.
6. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
7. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either
 - a) loamed and seeded for permanent stabilization, or
 - b) stabilized in another way approved by the Commission.
8. Any debris, which falls into any resource area, shall be removed immediately by hand.
9. Any on site dumpsters shall not be located within 75 feet of the salt marsh.

10. There shall be no stockpiling of soil or other materials within 75 feet of the salt marsh.
11. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
12. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released.
13. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 75 feet of any resource area.
14. Rooftop runoff from the garage addition and existing home shall be infiltrated on site, using either rain barrels in combination with drywells or drywells alone, as shown on the final approved plans, or infiltration chambers or drip edge stone trenches.
15. The areas where the existing garage and secondary driveway currently exist shall be restored with a vegetative cover, including plantings/landscaping, as shown on the final approved plans, and lawn.
16. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
17. It is the sole responsibility of the owner of record to maintain drainage structures at all times. The property owner is also responsible for retaining records of the maintenance and cleaning for review by the Commission. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.
18. The applicant shall apply for a Certificate of Compliance as soon as work has been completed and prior to the expiration of this Order. If work cannot be completed prior to the expiration of this Order, the applicant shall contact the Commission in writing to apply for an extension at least thirty days prior to the expiration date.
19. The applicant shall submit an "as built" plan to the Commission upon completion of this project. The plan shall be signed by the professional engineer of record, who shall certify that the work has been done in accordance with the approved plans and this Order. This plan must be submitted prior to the issuance of a Certificate of Compliance by the Commission.
20. Prior to the issuance of a Certificate of Compliance, an Elevation Certificate shall be prepared and submitted to the Commission for review.

Second: Comm'r Hidell

Roll Call: Comm'r Kelly: aye, Comm'r Mooney: aye, and Comm'r Mosher: aye

66 Burditt Avenue – DEP 034-1374, **continued to 8/31/2020**

Applicant: Jesse & Daria Johnson

Representative: Rebecca Verner, Gregory Lombardi Design, LLC

Proposed: Reconstruction of swimming pool and site improvements

30 Shipyard Drive – DEP 034-1375

Applicant: Holly Palmgren, MBTA

Representative: Filomena Maybury, WSP USA

Proposed: Geotechnical borings for design of replacement ferry dock

Meeting Documents & Exhibits: Staff memo and Narrative and Original Boring Location Plan 12/10/18

Excerpts from the staff memo: The MBTA was issued an Order in 2016 for a similar scope of work, however no work was completed under that Order (DEP 034-1265) and it expired before an Extension could be requested. A Request for a Certificate of Compliance has also not been submitted.

The current scope of work includes six geotechnical borings below Mean Low Water and two additional borings on land, all of which align with a proposed reoriented pier. The cased borings will be about 4" in diameter and drilled about 82-102ft below the mudline or ground surface, with Standard Penetration Test samples taken every 5ft. If encountered, rock will be drilled up to 10ft. The boring equipment will be staged from a barge, for the marine borings, and from a truck or ATV for the land borings.

If drilling fluids are used, they will be contained with the soil cuttings and transferred to steel drums to prevent release into the harbor. The steel drums will be temporarily stored by the contractor, with the fluids and soil cuttings being

properly disposed of at later point in time. In the event that drilling fluids are not used, the contractor intends to place the soil cuttings back in the casing prior to completing the drilling and sampling operation. Previous testing results indicate that contaminants are not present at significant concentrations in this area of the harbor. Staff visited the site on 7/27/20. Impacts to the resource areas will be temporary, with the greatest potential impacts coming from the barge, both in terms of the vessel bottoming out a low tide and the coordination of boat traffic in a busy area of the harbor. If the Commission is satisfied with information that has been submitted, an Order of Conditions could be issued. Staff drafted the following conditions, which largely mirror those for the previous Order (DEP 034-1375), for the Commission's consideration.

Filomena Maybury, WSP USA, and Tess Paganelli, MBTA were present on the call. F. Maybury summarized the proposal and explained that the 2 proposed land borings are a new scope of work in comparison to the previous proposal in 2016. She stated that they would be closing out both orders before filing for work on the pier.

Commissioner Freeman invited any comments from the public. With no comments from the public, Commissioner Freeman closed the hearing to public comment.

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 30 Shipyard Drive (DEP 034-1375), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 1 through 11 of the staff report.

Findings:

- a. The project meets the submittal requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission makes no finding as to the exact boundaries of wetland resource areas on site.

Conditions:

1. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.
3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
4. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
5. Any comments received from the Massachusetts Division of Marine Fisheries shall be added as special conditions to the Order of Conditions.
6. Any debris, which falls into any resource area, shall be removed immediately by hand.
7. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
8. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released.
9. Appropriate measures shall be taken to prevent the barge from bottoming out at low tide.
10. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.

11. The applicant shall apply for a Certificate of Compliance as soon as work has been completed and prior to the expiration of this Order. If work cannot be completed prior to the expiration of this Order, the applicant shall contact the Commission in writing to apply for an extension at least thirty days prior to the expiration date.

Second: Comm'r Hidell

Roll Call: Comm'r Kelly: aye, Comm'r Mooney: aye, and Comm'r Mosher: aye

33 Beach Road – DEP 034-1377

Applicant: Garret Daigler

Representative: Kelly Killeen, CHA Consulting, Inc.

Proposed: Construction of additions and deck

Meeting Documents & Exhibits: Staff memo and Impervious Area Calculations and Revised Existing and Proposed Conditions Plan 7/29/20

Excerpts from the staff memo: Staff revisited the site on 7/27/20 to photograph the new areas where work is being proposed. Staff suggested that the existing patio material be removed and replaced with crushed stone prior to the construction of the proposed rear deck. This work should result in an additional increase flood storage area. Staff also suggested that the mitigation area be increased by 32sqft (1:1 ratio), for a total of 312sqft, to include the proposed front porch/deck, as there is currently no structure in that location. Given that the proposed structure will be permeable, in an area that is already disturbed within the 100ft Buffer Zone and Inner Riparian Zone, staff felt that the 1:1 ratio was appropriate. The applicant agreed to both suggestions and staff included pertinent draft conditions below. Staff has no other concerns related to the resource areas, impervious area, or stormwater. If the Commission is satisfied with information that has been submitted, an Order of Conditions could be issued.

Chair Freeman reviewed the resource areas and noted that this Notice of Intent application followed a Positive Determination by the Commission due to the scope and nature of the project. Scott Golding from Drohan, Tocchio and Morgan, Kelly Killeen from CHA, and the homeowner, Garret Daigler, were present on the call. S. Golding summarized the various aspects of the proposal; a small kitchen addition, a walk out deck, all above base flood elevation, below the deck an existing concrete walkway will be removed, on the resource side of the house an existing brick patio will be removed and replaced with a pile (3) supported raised deck, 18" off the ground, with crushed stone underneath. They will provide 1:1 mitigation in the form of 312 sf of mitigation plantings in addition to the crushed stone. He further summarized that they are raising the first floor above base flood elevation of 11, removing an area of basement storage (47 sf), putting 5 pilings in the area of that addition, and removing the utilities from the basement (elevation 6) to an elevation of 13 or above in the first floor of the property. The Commission had no further comments or questions.

Commissioner Freeman invited any comments from the public. With no comments from the public, Commissioner Freeman closed the hearing to public comment.

Motion: Chair Freeman moved to issue an Order of Conditions for the proposed work at 33 Beach Road (DEP 034-1377), as shown on the submitted plans, and adopt the findings of fact a through c, and special conditions 1 through 22 of the staff report.

Findings:

- a. The project meets the submittal requirements for issuance of an Order of Conditions under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations.
- b. The work described is within an area subject to protection under the Wetlands Protection Act (M.G.L. c. 131, § 40) and the Town of Hingham Wetland Regulations, and will not alter or adversely affect the area subject to protection under the Act or the Regulations.
- c. For the purpose of this filing, the Commission makes no finding as to the exact boundaries of wetland resource areas on site.

Conditions:

1. The applicant shall notify the Hingham Conservation Commission in writing of the name, address, and telephone number(s) of the project supervisor or contractor who shall be responsible for ensuring compliance with this Order and shall notify the Commission, by telephone or writing, at least 48 hours prior to commencement of work on the site.
2. This document shall be included in all construction contracts and subcontracts dealing with the work and shall supersede all other contract requirements.

3. The project supervisor or contractor in charge of the work shall have a copy of this Order available on the site at all times.
4. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the project supervisor or contractor responsible for the work and an agent of the Commission to ensure that the requirements of this Order are understood.
5. Prior to the start of any excavation or construction, erosion and sediment controls shall be installed and inspected by an agent of the Commission; straw wattles and/or hay bales shall not be used as a form of erosion and sediment control.
6. Erosion and sediment controls shall remain in place until all disturbed or exposed areas have been stabilized with a final vegetative cover or the Commission has authorized their removal.
7. Prior to the start of any excavation or construction, a planting plan shall be submitted to the Commission for review and approval. The planting plan shall include a minimum of 312 square feet of plantings, including a mix of shrubs and herbaceous species. All mitigation plantings shall be native species; no cultivars, non-native species, or invasive species shall be allowed.
8. During all phases of construction, all disturbed or exposed areas shall be brought to a finished grade and either a) loamed and seeded for permanent stabilization, or b) stabilized in another way approved by the Commission.
9. Any debris, which falls into any resource area, shall be removed immediately by hand.
10. All tree debris shall be properly disposed of at an off-site location; no chipped or mulched material shall remain on the property.
11. Any on site dumpsters shall not be located within 100 feet of any resource area.
12. There shall be no stockpiling of soil or other materials within 50 feet of any resource area.
13. Issuance of these conditions does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of damage due to wetness.
14. Any dewatering activities on the project in which water will be released into any resource area or storm drain shall make use of a stilling pond or similar device to remove sediment before the water is released.
15. No vehicle or other machinery, refueling, lubrication or maintenance, including concrete washout, shall take place within 100 feet of any resource area.
16. All excavated material shall be properly disposed of at an off-site location.
17. The existing raised patio shall be demolished, and the materials properly disposed of at an off-site location, prior to the construction of the proposed deck. The area shall also be graded and treated with 3" of ¾"-1½" crushed stone, prior to the construction of the proposed deck.
18. Before executing any change from the plan of record, the applicant must have the Commission's written approval. Any errors found in the plans or information submitted by the applicant shall be considered as changes. Approval from other Town Agents or Inspectors does not relieve the applicant from obtaining approval from the Commission.
19. The applicant shall apply for a Certificate of Compliance as soon as work has been completed and prior to the expiration of this Order. If work cannot be completed prior to the expiration of this Order, the applicant shall contact the Commission in writing to apply for an extension at least thirty days prior to the expiration date.
20. The applicant shall submit an "as built" plan to the Commission upon completion of this project. The plan shall be signed by the professional engineer of record, who shall certify that the work has been done in accordance with the approved plans and this Order. This plan must be submitted prior to the issuance of a Certificate of Compliance by the Commission.
21. Prior to the issuance of a Certificate of Compliance, the mitigation area plantings shall survive at least two full growing seasons with a minimum of 75% survival rate. If a 75% survival rate is not achieved, replacement plantings of the same species shall be made by the applicant.
22. The mitigation planting area shall be maintained with native plantings or shall be allowed to naturally revegetate with native species following planting and remain as naturally vegetated. This condition shall apply in **perpetuity** and shall not expire with the issuance of a Certificate of Compliance.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Kelly: aye, and Comm'r Mooney: aye

Other Business:

a) Request to treat cattails at Cushing Pond (DEP 034-1255)

Jim Rullo of Solitude Lake Management presented the request to remove native cattails from 4 small patches on Cushing Pond using glyphosate and imazomox and described the method of application. The Commission expressed their concerns regarding toxic implications, potential negative impacts that removal of native habitat might have on fish, as well as issues with siltation. In response to a Commission question on motivation for the cattail removal, J. Rullo stated that it was for access to the pond. Jennifer Saco Smith of the Cushing Pond Preservation Group was present on the call and made several points about the source of nutrients feeding and growing the stands of cattails. Further discussion followed with the Commission concluding that they need more time to look into it as well as some members wishing to make a site visit.

Motion: Chair Freeman moved to continue consideration of the request to the next meeting August 31, 2020.

Second: Comm'r Mosher

Roll Call: Comm'r Hidell: aye, Comm'r Kelly: aye, and Comm'r Mooney: aye

b) Review of revised Bow Hunting Regulations and possible vote, with public comment.

The ACO reviewed the proposed changes as based on feedback from individual commissioners. The Commission discussed the proposed changes.

Commissioner Freeman invited any comments from the public. There were no comments from the public.

Motion: Chair Freeman moved to adopt the revised bow hunting regulations including amendments made at the current meeting.

Second: Comm'r Hidell

Roll Call: Comm'r Kelly: aye, Comm'r Mooney: aye, and Comm'r Mosher: aye

c) Discussion of drainage ditch maintenance at the Lehner Conservation Area

The CO explained that Plymouth County Mosquito Control had sent a map which showed the draft scope of work. The process of approaching individual property owners to get permission to go onto their land to investigate the ditch location has begun. Brief discussion followed regarding the process of getting appropriate permissions.

Matt Benson, 16 South Pleasant Street, was present on the call and expressed his agreement and hope that the water issues can be alleviated to allow for maintenance of the meadow itself.

Motion: Chair Freeman moved to approve the signing of the Water Management Permit for Plymouth County Mosquito Control to do maintenance at 32 South Pleasant Street parcel and authorize Loni Fournier to sign the permit on behalf of the Commission.

Second: Comm'r Hidell

Roll Call: Comm'r Kelly: aye, Comm'r Mooney: aye, and Comm'r Mosher: aye

d) Reorganization of the Commission and reappointment of a CPC representative.

The Commission briefly discussed the need for a new Commission representative for Community Preservation Committee to replace Comm'r Mosher. Without all members of the Commission present, the Commission tabled discussion of who would volunteer to be the representative for the CPC.

Chair Freeman adjourned the meeting at 9:59 pm.

Submitted, _____
Sylvia Schuler, Administrative Secretary

Approved on August 31, 2020

This meeting was recorded. To obtain a copy of the recording please contact the Conservation office.